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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,415	10/02/2003	Devron Philo	124277.00001	8459

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EXAMINER

LESPERANCE, JEAN E

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/677,415	Applicant(s) PHILO, DEVRON	
	Examiner Jean E. Lesperance	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/2/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The application filed October 2, 2003 is presented for examination where claims 1-20 are pending.

Drawings

2. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 6-7, and 9-10 are rejected under 35 U.S.C. 102(b) as being unpatentable over US Patent # 6,373,470 ("Andre et al.").

Regarding claim 1, Andre et al. teach a computer mouse Fig.2 (10), comprising: a top portion (top member Fig.2 (15)); a bottom portion (base member Fig.2 (7));

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wherein the top portion is quickly detachably attached to the bottom portion (the top member 15 is detached to the base member as seen in Figure 2 and they are attached together to form the mouse 10 as seen in figure 1; and wherein the top portion and the bottom portion enclose elements adapted to provide computer mouse functionality (where the base member 7 and the top member 15 are enclosed with the PCB member in between Fig.2 (9) to provide computer mouse 10 functionality).

Regarding claim 2, Andre et al. teach at least one button on the top portion (the entire top member serves as a button for activating an internal electronic switch to register palm clicking as an input to the electronics (column 2, lines 25-27)).

Regarding claim 6, Andre et al. teach at least one prong coupled to the top portion (the internal pivot Fig.2 (27) is interpreted as one prong).

Regarding claim 7, Andre et al. teach the at least one prong is adapted to couple to the bottom portion in order to secure the top portion to the bottom portion (the snaps Fig.2 (29) help to secure the top member to the bottom member).

Regarding claim 9, Andre et al. teach the top portion is comprised of a plurality of portions (the top member 15 has a plurality of portions like the internal pivot 27, an elongated member 33, and a front portion (see Fig.2)).

Regarding claim 10, Andre et al. teach the bottom portion is comprised of a plurality of portions (the base member has a plurality of portions like the biasing spring pad 26, the two snap mechanisms 29, and the extruding member 32 (see Fig.2)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 6,373,470 ("Andre et al.") in view of US Patent # 6,608,616 ("Lin").

Regarding claim 3, Andre et al. fail to teach a hole in a back portion of the top portion.

However, Lin teaches a hole in a back portion of the top portion (the shell 10 has a through hole (not shown) through which the top portion of the rolling wheel 11 protrudes out of the shell 10, whereby the user can conveniently press or rotate the rolling wheel 11 (see figure 7).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize the hole as taught by Lin the mouse disclosed by Andre because this would provide an ergonomic scrolling device to reduce the strain on a person's hand and wrist during operation.

Regarding claim 4, Lin teaches a button-like member attached to the bottom portion (a button like member 10 where the shell 10 has a through hole (not shown) through which the top portion of the rolling wheel 11 protrudes out of the shell 10, whereby the user can conveniently press or rotate the rolling wheel 11 (see figure 7).

Regarding claim 5, Lin teaches the hole is adapted to receive the button-like member in order to secure the top portion to the bottom portion (a button like member

10 where the shell 10 has a through hole (not shown) through which the top portion of the rolling wheel 11 protrudes out of the shell 10, whereby the user can conveniently press or rotate the rolling wheel 11 (see figure 7).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 11-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 6,373,470 ("Andre et al.") in view of US Patent Application # 20020005835 ("Florence et al.").

Regarding claim 8, Florence et al. teach a user or owner to identify or personalize a computer mouse with, for example, a name or corporate logo (paragraph 0009) where the computer mouse has a top member and a bottom member. See motivation in claim 11.

Regarding claim 11, Andre et al. teach a top portion (top member Fig.2 (15); a bottom portion (base member Fig.2 (7); wherein the top portion is quickly detachably attached to the bottom portion (the top member 15 is detached to the base member as seen in Figure 2 and they are attached together to form the mouse 10 as seen in figure 1; and wherein the top portion and the bottom portion enclose elements adapted to provide computer functionality (where the base member 7 and the top member 15 are

enclosed with the PCB member in between Fig.2 (9) to provide computer mouse 10 functionality). Accordingly, the prior art teaches all the claimed limitations with the exception of providing the top portion and the bottom portion are adapted to display a logo, a word, an image, or any combination of a logo, a word, or an image.

However, Florence et al. teach a user or owner to identify or personalize a computer mouse with, for example, a name or corporate logo (paragraph 0009) where the computer mouse has a top member and a bottom member.

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize the corporate logo as taught by Florence et al. in the computer mouse disclosed by Andre et al. because this would allow the user or owner to identify the computer mouse(paragraph 0009).

Regarding claim 12, Andre et al. teach the device is adapted to communicate with a computer via a wired connection (a cable 23 couples the electrical connector 20, which is connected to the computer (column 3, lines 14 and 15).

Regarding claim 13, Florence et al. teach the device is adapted to communicate with a computer via a wireless connection (the mouse may be a wireless mouse that does not include a cable (paragraph 0023).

Regarding claim 14, Florence et al. teach the top portion and the bottom portion are detachably attached to each other via at least one of a following element associated with the top portion, the bottom portion, or both the top portion and the bottom portion, from a group consisting of: a hole and a button-like member; at least one prong; at least one clipping apparatus; at least one snapping apparatus; and at

least one protrusion (the metallic cover may also be bolted, snap-fitted, friction-fitted, bonded, laminated, or attached to the housing in any other desired manner (paragraph 0003).

Regarding claim 15, Andre et al. teach the button-like member can be pushed to detach the top portion from the bottom portion (said top member being mechanically coupled to said base member in that the entire top member in one integral piece being continually biased in a direction generally away from the base member to a first position and that the top member being pushed down toward the base member to a second position by the palm-side surface via wrist action whereby creating a clicking action (column 4, lines 16-22)).

Regarding claim 16, Florence et al. teach the logo, the word, the image, or any combination of the logo, the word, or the image is printed (a user or owner to identify or personalize a computer mouse with, for example, a name or corporate logo (paragraph 0009) where the computer mouse has a top member and a bottom member and where logo is printed on the computer mouse to identify it).

Regarding claim 18, Andre et al. teach the device is adapted to provide computer functionality to a plurality of devices at a plurality of locations (a computer mouse 10 that can be use in a plurality of computer devices at a plurality of locations).

5. Claims 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 6,373,470 ("Andre et al.") in view of US Patent Application # 20020005835 ("Florence et al.") and further in view of US Patent 5,680,480 ("Beernink et al.").

Regarding claim 17, the combination of Andre et al. and Florence et al. fails to teach the logo, the word, the image, or any combination of the logo, the word, or the image is silk screened.

However, Beernink et al. teach a printed or silk-screened member 60 provided beneath a lower edge of a thin, clear, stylus-sensitive membrane 62 of the input "tablet." (column 6, lines 25-27).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize the printed or silk screened member 60 as taught by Beernink et al. in the combination of Florence et al. and Andre et al. because this would display a practice word that is easily recognized by the recognizer.

6. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 6,608,616 ("Lin") in view of US Patent # 6,373,470 ("Andre et al.").

Regarding claim 19, Lin teaches a top portion comprising a hole (The shell 10 has a through hole (not shown) through which the top portion of the rolling wheel 11 protrudes out of the shell 10, whereby the user can conveniently press or rotate the rolling wheel 11 (see figure 7); a bottom portion comprising a button-like member, wherein the button like member is adapted to engage the hole to secure the top portion to the bottom portion (the rolling wheel protruding out of the through hole of the shell (see Fig.7) where the rolling wheel is connected to the base of the mouse and is adapted to engage the hole to secure the top portion and bottom portion). Accordingly, the prior art teaches all the claimed limitations with the exception of providing a port in

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the top portion, the bottom portion, or a combination of the top portion and the bottom portion adapted to provide connectivity to a computer.

However, Andre et al. teach a cable 23 couples the electrical connector 20, which is connected to the computer (column 3, lines 14 and 15).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize the cable as taught by Andre et al. in the ergonomic scrolling device disclosed by Lin because this would allow the connection between the CPU and the mouse.

Regarding claim 20, Lin teaches a hole in the bottom portion adapted to engage a roller-ball (the rolling wheel protruding out of the through hole of the shell (see Fig.7) where the rolling wheel is connected to the base of the mouse and is adapted to engage the hole to secure the top portion and bottom portion).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Lesperance whose telephone number is (571) 272-7692. The examiner can normally be reached on from Monday to Friday between 10:00AM and 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (571) 272-7691.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C. 20231

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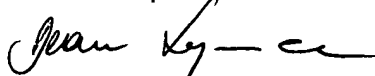
or faxed to:

(571) 273-8300 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park 11, 2121 Crystal drive,
Arlington, VA, Sixth Floor (Receptionist).

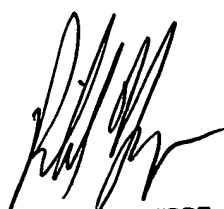
Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the technology Center 2600 Customer Service Office
whose telephone number is (703) 306-0377.

Jean Lesperance



Date 5/5/2006

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RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600